

REMARKS

Claims 1-11 are pending.

Claim 11 is withdrawn.

Claim 1 is amended.

Claims 1-10 are rejected.

Claim 1 Amendment

Claim 1 is amended to require that X (the leaving group) be defined as C₁-C₄ alkoxy. Support for this amendment may be found on page 14, second paragraph from the bottom.

No new matter is added.

35 USC 103(a)

Claims 1-10 are rejected under 35 USC 103(a) as being unpatentable over Orban US 4,594,444 in view of Guyot et al. Biotechnolgy Letters, 19(6), 529-532.

The primary reference US '444 is discussed at the bottom of page 1 of the specification through the top of page 2 and teaches the compounds of formula (I) of the claimed process

The secondary reference, Guyot et. al. teaches esterification of cinnamic, caffeic, ferulic and dimethoxycinnamic acid by n-butanol.

The prior art process, is an esterification process, whereas the claimed process is a transesterification process (replacement of the ester group), See the presently amended definition of the formula II in claim 1 wherein X is C₁-C₄ alkoxy.

As Guyot does not teach transesterification using enzymes but teaches esterification via enzymes, the examiner's reasoning that it would be obvious to one trained in the art that oxide or organic metallic compounds used for transesterification could now be replaced with enzymes or biocatalysist as taught in the secondary reference is flawed.

Furthermore, the compounds cinnamic, caffeic, ferulic and dimethoxycinnamic acid mentioned in the Guyot reference on page 530 (see the general formula and the definitions of the substituents), do not

fall within the scope of the compounds of the formula (I) (R1-R3 are different from methoxy, hydroxyl in para-position).

Therefore, the combination of US'444 with Guyot does not arrive at the presently claimed process in view of the facts that:


- Guyot teaches a different process (esterification as opposed to the presently claimed transesterification)
- Guyot prepares compounds not encompassed by the present formula (I) structure
- And finally, Guyot prepares his esters via an intermediate not encompassed by the present formula (II).

Reconsideration and withdrawal of the rejection of claims 1-10 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1-10 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,


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